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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/590,447

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Max D. Woodhams

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EXAMINER

KRUER, STEFAN

ART UNIT

PAPER NUMBER

3654

MAIL DATE

DELIVERY MODE

11/17/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/590,447	Applicant(s) WOODHAMS, MAX D.	
	Examiner Stefan Krueer	Art Unit 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19 - 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19 - 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 August 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

The amended title filed 9 October 2009 is acceptable.

Disclosure

The disclosure remains objected to under 37 CFR 1.71 in that the following item is not understood.

A fixing means as mentioned on Page 3, Line 18, though referencing two locking bolts, is not adequately described with respect to a structure and arrangement in relation to the footrest and bracket. Do the bolts, when loosed, for example, allow translation of the footrest along an undisclosed arced slot of an undisclosed underlying plate or bracket, and upon tightening secure said footrest with respect to said undisclosed plate or bracket?

The disclosure reviews in broad language a means, thereby enabling/requiring unnecessary interpretation as to a defined scope of the cooperative elements, their structure as well as their interaction.

Applicant is required to submit an amendment, which clarifies the disclosure so that the examiner may ensure a proper comparison of the invention with the prior art.

Applicant should be careful not to introduce any new matter into the disclosure (i.e., matter which is not supported by the disclosure as originally filed).

Drawings

The drawings are objected to under 37 CFR 1.83(a) because they fail to adequately show the fixing means as referenced in the specification.

Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should

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include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 19 - 21 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 19 recites a fixing structure, referenced in the specification, as understood, as a fixing means, yet a detailed description of said fixing structure is lacking.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 19 - 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Voves et al (4,913,264) in view of Wu (6,206,119) and in further view of Fortnam (3,820,844).

Re: **Claims 19 - 21**, Voves et al, as previously cited for pertinence, disclose their stairlift chair (22, Fig. 1) in combination with a stairlift (10) comprising a footrest (24), said footrest having a geometric centerline, an outer edge (open portion opposite inner portion, said inner portion nearest to lower housing (20)), an inner edge (approx. 20), and side edges (144, 146) joining respective outer margins of the inner edge and the outer edge (each side edge connecting said outer edge to said inner edge), wherein their footrest is pivotally mounted (at 148) with respect to the stairlift chair about an axis, said axis lying closer to said inner edge than to said outer edge, and wherein fixing structure (152, comprising 156, 154, 160) is provided to fix the position of the footrest relative to the chair about the pivot axis; however,

Voves et al are silent with respect to their inner edge is shorter than their outer edge, their footrest pivotally mounted about a vertical pivot axis and a position of their pivot axis lying on both a plane through a central axis of their stairlift chair and a geometric centerline of their footrest.

Attention is direct to Wu who teaches his stairlift chair (12, Fig. 1) comprising a footrest (54) having a geometric centerline wherein said footrest has an inner edge (approx. 60) shorter than an outer edge of said footrest, wherein said inner edge is substantially opposite said outer edge, their footrest being pivotally mounted (at 58) to their stairlift chair about an axis.

It would have been obvious to one of ordinary skill in the art to modify the reference of Voves et al with the teaching of Wu to provide a stairlift chair with a pivotally mounted footrest having opposing inner- and outer edges, wherein said inner edge is shorter than said outer edge for compact arrangement and optimized load-bearing area, therein greater versatility in meeting applications.

However, Wu is silent with respect to his footrest pivotally mounted about a vertical pivot axis and a position of their pivot axis lying on both a plane through a central axis of their stairlift chair and a geometric centerline of their footrest.

Attention is directed to Fortnam who teaches his footrest (26, Fig. 1) of his chair (13, 14) wherein a pivot position of his footrest lies on both a central axis (12) of his chair and a geometric centerline of his footrest, wherein said footrest has an inner edge (27) shorter than an outer edge (31) of said footrest, wherein said inner edge is substantially opposite said outer edge, his footrest being pivotally mounted (about 33, Fig. 6) to his chair about said axis, said axis being a substantially vertical pivot axis and wherein his chair has a fixing structure (23) to fix a position of his footrest relative to his chair about said pivot axis.

It would have been obvious to one of ordinary skill in the art to modify the invention of Voves et al and Wu with the teachings of Fortnam to provide a footrest being pivotally mounted about a vertical axis of a chair, an inner edge of said footrest being shorter than an outer edge of said footrest and a pivot position of said footrest lying on a central axis of a stairlift chair, and a fixing structure of simplified construction requiring only the implementation and rotation of a tightening/releasing knob, in all for benefits of maintaining a compact, symmetrical and cost-effective arrangement therewith also minimize hindrances to users of associated stairs, offset loading for stability and esthetics.

Response to Arguments

Applicant's arguments filed 9 October 2009 have been fully considered but they are not persuasive.

The rejections of the previous office action were in response to the claim language. Applicant's arguments are based on the amended claim language applied to the prior art of record; consequently, this office action comprises a detailed response to Applicant's arguments.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Webster et al (US D565475 S), Rehder (US 4,722,356 A) and Ward (US 3642320 A) are cited for reference of:

- a stairlift chair, wherein said chair has a foot rest having a pivot position along a geometric centerline of said footrest as well as along a central axis of said chair;
- a footrest having a geometric centerline and a substantially vertical pivot axis about which said footrest is pivotally mounted, wherein said footrest has a fixing means to fixedly position said footrest with respect to said pivot axis,
and

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- a combination of a chair and a footrest, wherein said footrest is pivotally mounted along an inner edge about a central axis of said chair lift, respectively.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefan Kruer whose telephone number is 571.272.5913. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Q. Nguyen, can be reached on 571.272.6952. The fax phone number for the organization where this application or proceeding is assigned is 571.273.8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866.217.9197 (toll-free).

/Stefan Kruer/

Examiner, Art Unit 3654

13 November 2009

/John Q. Nguyen/

Supervisory Patent Examiner, Art Unit 3654